

REMARKS

In response to a Notice of Noncompliant Amendment, Applicants respectfully resubmit their earlier response for consideration. While the Notice of Noncompliant Amendment did not specify what in Applicants' response of June 2, 2004 was not compliant with the USPTO rules, Applicants judged that the Claims recitation was missing notice that Claims 1 to 14 were canceled. Accordingly, Applicants have amended the Claims section above to include such notice. No new matter has been added. The remainder of Applicants' response is included below for the Examiner's convenience.

Claims 15 to 21 are now pending in the application. Applicants reserve the right to file one or more divisional applications with the unelected claims.

Applicants respectfully request reconsideration of the present application in view of this response.

The Drawings were objected to for failing to comply with 37 CFR 1.84(p)(5). Specifically, Fig. 1 was objected to for STB being labeled 72, and no heading of "Prior Art." Applications have amended Fig. 1 so that STB is labeled 12 and there is a heading of "Prior Art" as suggested by the Examiner. No new matter has been added. Specifically, Fig. 2, was objected to for RCU being labeled 34 while it was referred to as 42 in the Specification. For this and other typographical errors, Fig. 2 has been amended, and, the Specification has been amended so that the description of Fig. 2 is consistent with the drawing of Fig. 2. No new matter has been added. Accordingly, Applicants submit that the Drawings have been amended in accordance with the Examiner's requests and all objections to the Drawings have been overcome. Withdrawal of the objections to the Drawings is respectfully requested.

The Specification was objected to for its Abstract as including legal phraseology. Applicants have amended the Abstract above – but did not see the legal phraseology referred to by the Office Action. Applicants submit the Abstract above with amendments and respectfully assert that the Abstract is allowable. No new matter has been added. Withdrawal of the objection to the Abstract, and thus, the Specification is respectfully submitted.

Claims 15 to 21 were rejected under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 5,534,913 to Majeti et al. ("Majeti reference") in view of U.S. Patent No. 5,029,207 to Gammie ("Gammie reference").

The Majeti reference purportedly concerns an apparatus and method for integrating downstream data transfers over a cable television channel with upstream data carrier by other media. Title. The Majeti reference discusses a split channel bridging unit having a router that operates under the control of a control processor to route packets of information destined for a

user to a modulator connected to the cable distribution head-end of the cable television system. Abstract, lines 1-5. The Majeti reference refers to the modulator as encoding the digital information transmitted from the router and in an RF channel to be carried by the television cable; the cable distribution head-end combines the RF channel with other conventional cable television sources to broadcast these channels to its users. Abstract, lines 5-10. The Majeti reference further refers to a customer assuming that a user has an RF demodulator and packet receiver which demodulates the RF encoded signals and utilizes the packet receiver to transmit the digital information addressed to the particular user to the user's personal computer. Abstract, lines 10-15.

The Gammie reference purportedly concerns an external security module for a television signal decoder. Title. The Gammie reference refers to a decoder for descrambling encoded satellite transmissions having an internal security element and a replaceable security module, where the program signal is scrambled with a key and then the key itself is twice-encrypted and multiplexed with the scrambled program signals. Abstract, 1-6. The Gammie reference further refers to the key being first encrypted with a first secret serial number which is assigned to a given replaceable security module; the key is then encrypted with a second secret serial number which is assigned to a given decoder, the decoder performing a first key decryption using the second secret serial number which is assigned to a decoder. Abstract, lines 8-12. The partially decrypted key is then further decrypted by the replaceable security module using the first secret serial no. stored within the replaceable security module. Abstract, lines 12-15. The Gammie reference further states that the decoder then descrambles the program using the twice-decrypted key. Abstract, lines 15-17.

Claim 15 is directed to a decoder device for decrypting encrypted television programs, including: a control unit; an input for receiving the encrypted television program; a decryption device for decrypting the encrypted television program into a format reproducible by a television set; an output capable of being connected to the television set so as to output the decrypted television program to the television set for reproduction; a first interface for interfacing to at least one of a first identification and a first key carrier component for enabling the decryption device, *the first interface being disposed in the control unit; a second interface for interfacing to the control unit; a third interface for interfacing to a telecommunications network; and a fourth interface for interfacing to at least one of a second identification and a second key carrier component, an authorization by at least one of the second identification and the second key carrier component being useable for establishing a connection to a subscriber via the telecommunications network.*

As per the descriptions of the Majeti and Gammie references, the references do not, alone or in combination, describe or suggest all of the features of claim 15, particularly the features of: the first interface being disposed in the control unit; a second interface for interfacing to the control unit; a third interface for interfacing to a telecommunications network; and a fourth interface for interfacing to at least one of a second identification and a second key carrier component, an authorization by at least one of the second identification and the second key carrier component being useable for establishing a connection to a subscriber via the telecommunications network, for a decoder device. Further, as indicated in the Office Action, the Majeti reference does not suggest a decoder device. And, the Gammie reference does not dwell into decoder devices with a security device as suggested by the Majeti reference. Applicants respectfully submit that the two references are not properly combinable since one reference concerns a security device for a decoder and the other reference concerns integrating downstream data transfer over a cable television channel.

Title.

The Federal Circuit in the case of In re Kotzab has made plain that even if a claim concerns a “technologically simple concept” -- which is not even the case here, there still must be some finding as to the “specific understanding or principle within the knowledge of a skilled artisan” that would motivate a person having no knowledge of the claimed subject matter to “make the combination in the manner claimed”, stating that:

In this case, the Examiner and the Board fell into the hindsight trap. The idea of a single sensor controlling multiple valves, as opposed to multiple sensors controlling multiple valves, is a technologically simple concept. **With this simple concept in mind, the Patent and Trademark Office found prior art statements that in the abstract appeared to suggest the claimed limitation. But, there was no finding as to the specific understanding or principle within the knowledge of a skilled artisan that would have motivated one with no knowledge of Kotzab's invention to make the combination in the manner claimed.** In light of our holding of the absence of a motivation to combine the teachings in Evans, we conclude that the Board did not make out a proper *prima facie* case of obviousness in rejecting [the] claims . . . under 35 U.S.C. Section 103(a) over Evans.

(See In re Kotzab, 55 U.S.P.Q.2d 1313, 1318 (Federal Circuit 2000) (citations omitted, italics in original, emphasis added)).

Accordingly, Applicants respectfully submit that all claims are allowable. Claims 16 to 21 depend from claim 15 and are therefore allowable for at least the same reasons as claim 15.

In view of the above amendments and remarks, Applicants respectfully submit that all of claims 15 to 21 of the present application are allowable at least for the foregoing reasons.

CONCLUSION

In view of all of the above, it is believed that the objections to the drawings and Specification (and Abstract), and the rejections of claims 15 to 21, under 35 U.S.C. § 103(a) have been obviated, and that all claims 15 to 21 are allowable. It is therefore respectfully requested that the objections and rejections be reconsidered and withdrawn, and that the present application issue as early as possible.

The Examiner is respectfully encouraged to contact the undersigned via telephone if such communication might advance allowance of the present application.

Respectfully submitted,


Reg. No. 47084

By:



Richard L. Mayer (Reg. No. 22,490)

KENYON & KENYON
One Broadway
New York, New York 10004
(212) 425-7200

CUSTOMER NO. 26646

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AMENDMENTS TO THE DRAWINGS:

The attached sheet of drawings includes changes to Figs. 1 and 2. The sheets of Figs. 1 and 2 replace the original sheet of Figs. 1 and 2, respectively. In Fig. 1, STB "72" should read "12" in accordance with the Specification. Further, Fig. 1 should be labeled "Prior Art." In Fig. 2, DVB "42" should read "45" in accordance with the Specification.

Attachment(s): Replacement Sheets (Figs. 1, 2)
 Annotated Sheet Showing Changes (Figs. 1, 2)

[ANNOTATED SHEET SHOWING CHANGES]

2 / 4

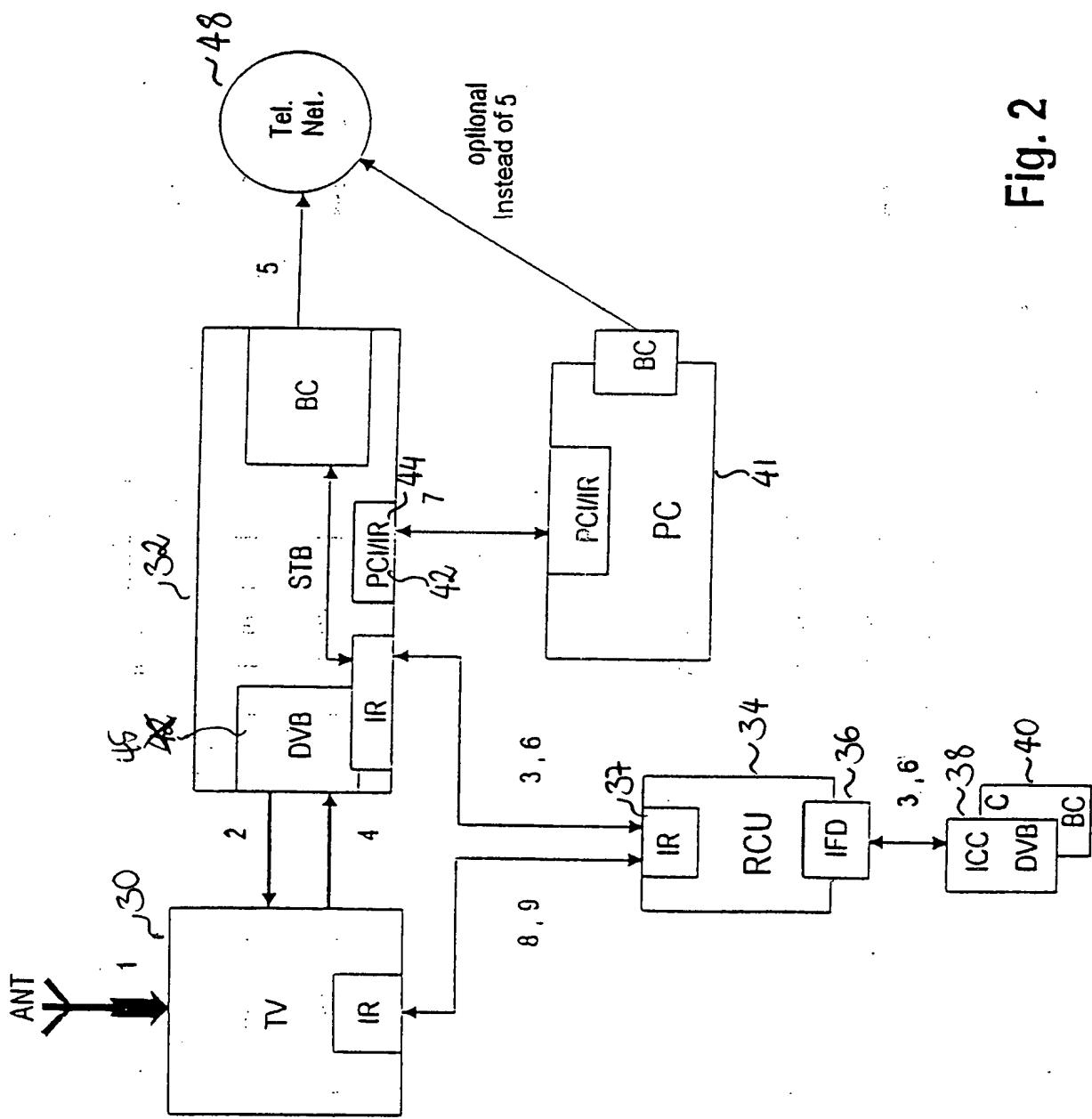


Fig. 2

[ANNOTATED SHEET SHOWING CHANGES]

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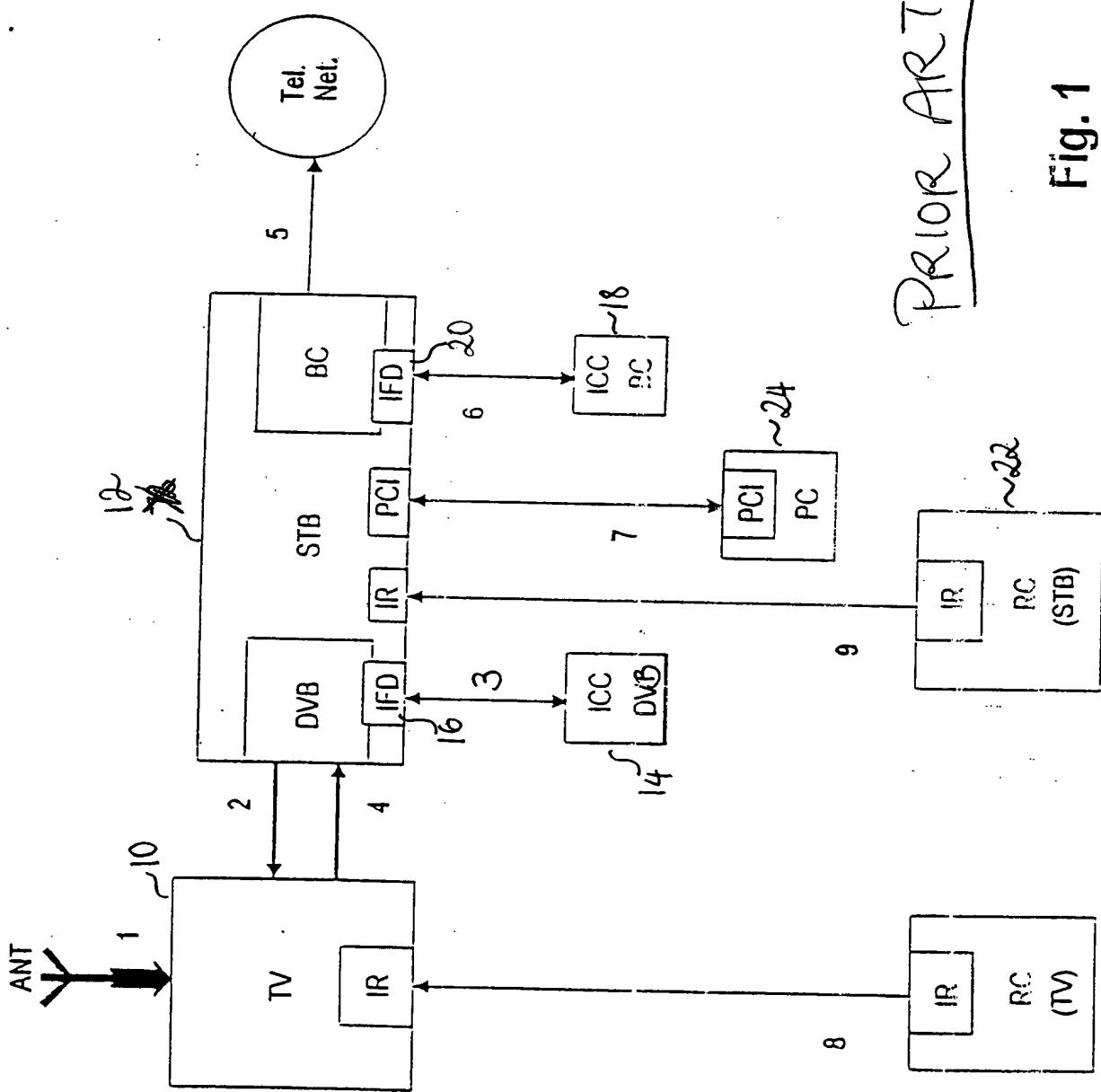


Fig. 1